

DAC 1731
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID B. NITSCHKE ET AL.

Serial No.: 08/975,267

Filed: November 20, 1997

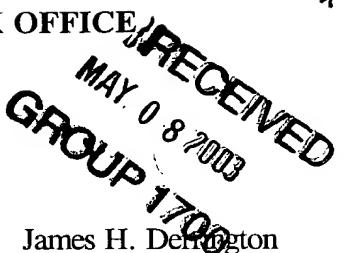
For: APPARATUS FOR FORMING HEATED GLASS SHEETS

Attorney Docket No.: GLT 1598 PUS



Examiner: James H. Derrington

Art Unit: 1731



**PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED
PATENT APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Box DAC
Attention: Office of Petitions
Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

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Dear Sir:

The above-identified application became unintentionally abandoned under 37 C.F.R. 1.197 following an appeal because no claims stood allowed, even though certain dependent claims were previously indicated to be allowable if rewritten in independent format. Prior to the abandonment of the application two months after the Board's November 19, 2002 Decision on Appeal, Applicants filed on January 17, 2003 an Amendment After Board Decision to rewrite the allowable dependent claims in independent format and to also amend other rejected independent claims to include subject matter that was previously indicated to be allowable. That Amendment After Board Decision was not entered by the primary Examiner and the application was held abandoned in an April 8, 2003 action. Applicants did not intend to abandon the application such that its abandonment under the above circumstances was unintentional.

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Box DAC, Attention Office of Petitions, Commissioner for Patents, United States Patent and Trademark Office Washington, D.C. 20231 on:

April 22, 2003
Date of Deposit

James A. Kushman
Name of Person Signing

Signature

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION.

1. The petition fee of \$650.00 under 37 C.F.R. § 1.17(m) as applicable to small entities is enclosed by check. A small entity statement was previously filed. The Director is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.
2. Proposed response and/or fee

The proposed response and fee in the form of a Request For Continued Examination is being filed herewith and requests entry of the Amendment After Board Decision filed on January 17, 2003.

3. Statement

The entire delay in filing the required reply until the filing of this petition was unintentional.

Respectfully submitted,

DAVID B. NITSCHKE ET AL.

By: James A. Kushman
James A. Kushman
Reg. No. 25,634
Attorney of Record

Date: April 22, 2003

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